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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

12 CR 798

5 REZA OLANGIAN,

6 Defendant.

7 -----x

8 New York, N.Y.
9 August 18, 2014
10:30 A.M.

11 Before:

12 HON. LORETTA A. PRESKA,

13 District Judge

14
15 APPEARANCES

16 PREET BHARARA
17 United States Attorney for the
18 Southern District of New York
SHANE STANSBURY
Assistant United States Attorney

19 LEE GINSBERG
20 Attorney for Defendant

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1 (Case called; in open court, defendant present)

2 THE COURT: Good morning, Counsel, won't you be
3 seated.

4 United States v. Olangian. Is government ready?

5 MR.STANSBURY: We are. Good morning, your Honor,
6 Shane Stansbury, for the government.

7 THE COURT: Good morning. And is defense ready?

8 MR. GINSBERG: Defense is ready, your Honor. Good
9 morning. Lee Ginsberg, for Mr. Olangian.

10 THE COURT: Good morning, Mr. Ginsberg.

11 Mr. Olangian, I have in front of me a financial
12 affidavit. It is dated August 2014. Is that your signature at
13 the bottom, sir?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: And do you swear that the material in the
16 financial affidavit is true and complete?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Thank you.

19 I find that Mr. Olangian is -- yes, Mr. Ginsberg.

20 MR. GINSBERG: I wanted to make one more request.

21 THE COURT: Yes, sir.

22 MR. GINSBERG: Would your Honor consider, if your
23 Honor is going to grant this request, to make it nunc pro tunc
24 to June 1st?

25 THE COURT: Yes.

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1 MR. GINSBERG: Thank you.

2 THE COURT: I find that Mr. Olangian is entitled to
3 CJA counsel. And in light of the work that Mr. Ginsberg has
4 already done on this case, the appointment is retroactive or
5 nunc pro tunc to June 1 of this year.

6 How would you like to proceed, gentlemen?

7 MR.STANSBURY: Your Honor, we have been trying to
8 reach a resolution and have not been able to do so, so we would
9 like to set a motion schedule. We have a schedule to propose
10 to your Honor.

11 THE COURT: Yes, sir.

12 MR.STANSBURY: Defense counsel motions to be due
13 October 27. That is approximately 60 days from now. The
14 government response would be November 24th. And any reply
15 would be December 3.

16 THE COURT: And what kinds of motions are we
17 contemplating?

18 MR. GINSBERG: Your Honor, at the moment, there may be
19 motions regarding electronic material that was seized from my
20 client early on in the proceedings. And the reason I can't be
21 absolutely specific about it, yet, is the Court may be aware
22 that there is sort of an evolving state of the law recently
23 regarding obtaining electronic information from various sources
24 without search warrants. It's my sense that there will be a
25 case before the Supreme Court not long, since there is now a

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1 split among various circuits. So there may be something along
2 those lines. But beyond that, I don't anticipate any other
3 motions at the moment that would require evidentiary hearings.

4 THE COURT: Okay.

5 MR. GINSBERG: But I can say, since it's a long delay,
6 I feel obligated to explain one of the reasons that I am asking
7 for that amount of time is that, for better or worse, I'm
8 beginning a trial on September 15 that the government is saying
9 can last anywhere from 3 to 5 months. So I want to give myself
10 as much time to do this work while I'm also on trial.

11 THE COURT: All right. Anything else?

12 Then the schedule, given the explanation, is
13 acceptable.

14 Do you want to set an argument date, just in case you
15 want to argue this?

16 MR. GINSBERG: I would be happy to do that. It would
17 have to be, given that I'm not sure when the trial is gonna
18 end, if it is gonna be in December --

19 THE COURT: Tell me what you want.

20 MR. GINSBERG: It has to be a Friday, because I'm
21 going to be on trial every day but Friday. Assuming the trial
22 is still going on. Or sometime in early January. That's up to
23 your Honor.

24 THE COURT: Unlikely you're gonna be on trial then,
25 right?

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1 MR. GINSBERG: Unlikely. I think the government's
2 prediction is a little over aggressive, but --

3 THE DEPUTY CLERK: How about Friday, January 9th.

4 MR. GINSBERG: That's fine.

5 THE DEPUTY CLERK: At 10:00 a.m.

6 MR. GINSBERG: That's fine.

7 THE COURT: Anything else today?

8 MR. STANSBURY: Your Honor, two things.

9 One, is if there is not going to be an argument, we
10 would ask that we maintain that date as a pretrial conference
11 date to set a trial date.

12 And, also, we ask to exclude time through
13 January 9th in the interests of justice so that defense can
14 prepare his motions.

15 THE COURT: Any objection, Mr. Ginsberg?

16 MR. GINSBERG: No objection, at all, your Honor.

17 THE COURT: In order to permit counsel to prepare the
18 motions, and for argument to be had on those motions, time
19 between today and January 9, 2014 is excluded from calculation
20 under the Speedy Trial Act in the interests of justice.

21 Anything else, counsel?

22 MR. STANSBURY: No, your Honor, thank you.

23 MR. GINSBERG: No, your Honor, thank you.

24 THE COURT: Thank you, gentlemen. Good morning.
25 (Adjourned)